

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

Cory MELVIN,

Defendant.

Crim. No. 09-343 (KM)

**MEMORANDUM OPINION
AND ORDER (on remand)**

THIS MATTER having come before the Court upon the motion of the defendant, Cory Melvin, for early termination of his term of Supervised Release. (DE 59);

And the Court having denied that motion in a prior Memorandum Opinion and Order (DE 64), citing the standard under 18 U.S.C. § 3583(e)(1) and “the factors set forth in section 3553(a)(1), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7), as well as two non-precedential Third Circuit decisions requiring “exceptional or extraordinary” circumstances, *United States v. Laine*, 404 F. App’x 571, 573–74 (3d Cir. 2010), or “new or unforeseen circumstances,” *United States v. Davies*, 746 F. App’x 86, 89 (3d Cir. 2018);

And the U.S. Court of Appeals having today filed a precedential opinion in this case, Docket No. 20-1158, in which it disapproved those two prior precedents, *Laine* and *Davies*, and remanded the case for reconsideration in light of the statutory factors alone (copy at DE 68-2);

And the *Laine/Davies* standard, which I had adopted as a guide to Third Circuit law, being no longer of any effect, because superseded by a precedential opinion of that Court;

And the Court, as expressed in the prior opinion, being of the opinion that the defendant is well on his way to rehabilitation, and being further convinced that this was a close case in which application of the *Laine/Davies* standard affected the result;

ORDER

IT IS THEREFORE this 16th day of October, 2020,

ORDERED that the motion (DE 59) of the defendant, Cory Melvin, pursuant to 18 U.S.C. § 3583(e), for early termination of his term of supervised release is **GRANTED**. The clerk shall close the file.

/s/ Kevin McNulty

KEVIN MCNULTY, U.S.D.J.